

Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 EA-10 IO-10 ISO-00 OES-05 CIAE-00

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DRAFTED BY L:GHALDRICH:LR

APPROVED BY L:GHALDRICH

EA-MR. HABIB

S MR. ADAMS

S/S:SRGAMMON

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FM SECSTATE WASHDC

TO AMEMBASSY BERN IMMEDIATE

INFO USMISSION GENEVA IMMEDIATE

USDEL JEC PARIS

AMEMBASSY SAIGON

USMISSION USUN NEYORK

UNCLAS STATE 283737

E.O. 11652: GDS

"" ICRC

TAGS: PFOR, UN, SZ, ICRC

SUBJECT: US RESPONSE TO PRG ACCESSION TO GENEVA CONVENTIONS

REF: STATE 277251

1. AMEMBASSY IS REQUESTED TO WITHDRAW NOTE THIS SUBJECT
DELIVERED TO MFA DECEMBER 20 AND SUBSTITUTE NEW NOTE, FOR
DELIVERY DECEMBER 31, CONTAINING FOLLOWING TEXT:

"REFERENCE IS MADE TO A TELEGRAM DATED JANUARY 18, 1974,
AND A NOTE OF THE SAME DATE BY WHICH THE FEDERAL POLITICAL
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DEPARTMENT OF THE SWISS CONFEDERATION INFORMED THE

DEPARTMENT OF STATE OF THE DEPOSIT BY THE 'PROVISIONAL
REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-
NAM' OF ITS INSTRUMENTS OF ACCESSION TO THE FOUR GENEVA
CONVENTIONS OF 1949 FOR THE PROTECTION OF WAR VICTIMS,
SUBJECT TO CERTAIN STATED RESERVATIONS.

"THE GOVERNMENT OF THE UNITED STATES OF AMERICA RECOGNIZES
THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM AND DOES NOT
RECOGNIZE THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF
THE REPUBLIC OF SOUTH VIET-NAM' AS A GOVERNMENT. THE
UNITED STATES GOVERNMENT THEREFORE DOES NOT RECOGNIZE THAT
THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC
OF SOUTH VIET-NAM' IS QUALIFIED TO ACCEDE TO THE GENEVA
CONVENTIONS. BEARING IN MIND, HOWEVER, THAT IT IS THE
PURPOSE OF THE GENEVA CONVENTIONS THAT THEIR PROVISIONS
SHOULD PROTECT WAR VICTIMS IN ARMED CONFLICT, THE
GOVERNMENT OF THE UNITED STATES OF AMERICA NOTES THAT
THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC
OF SOUTH VIET-NAM' HAS INDICATED ITS INTENTION TO APPLY THEM
SUBJECT TO CERTAIN RESERVATIONS. THE RESERVATIONS
EXPRESSED WITH RESPECT TO THE THIRD GENEVA CONVENTION
GO FAR BEYOND PREVIOUS RESERVATIONS, AND ARE DIRECTED
AGAINST THE OBJECT AND PURPOSE OF THE CONVENTION. OTHER
RESERVATIONS ARE SIMILAR TO RESERVATIONS EXPRESSED BY
OTHERS PREVIOUSLY AND CONCERNING WHICH THE GOVERNMENT
OF THE UNITED STATES HAS PREVIOUSLY DECLARED ITS VIEWS.
THE GOVERNMENT OF THE UNITED STATES REJECTS ALL THE
EXPRESSED RESERVATIONS.

"THE GOVERNMENT OF THE UNITED STATES NOTES THAT THE VIEWS
EXPRESSED IN THIS NOTE SHOULD NOT BE UNDERSTOOD AS
IMPLYING ANY WITHDRAWAL FROM THE POLICY HERETOFORE PURSUED
BY ITS ARMED FORCES IN ACCORDING THE TREATMENT PROVIDED
BY THE CONVENTIONS TO HOSTILE ARMED FORCES. " SISCO

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